

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

Robin D. Gibson,

Plaintiff,

v.

CAROLYN W. COLVIN,  
Acting Commissioner of Social Security,

Defendant.

Case No.: 3:14-CV-137-PLR-HBG

**MEMORANDUM OPINION**

This Social Security appeal is before the Court on the Report and Recommendation filed by United States Magistrate Judge H. Bruce Guyton on December 12, 2014. [R. 15]. There have been no timely objections to the Report and Recommendation, and enough time has passed since the filing of the Report and Recommendation to treat any objections as having been waived. *See* 28 U.S.C. § 636(b)(1); Fed.R.Civ.P. 72(b).

After a careful review of the record and the parties' pleadings, the Court is in complete agreement with the Magistrate Judge's recommendation that the plaintiff's motion for summary judgment be granted and the Commissioner's motion for summary judgment be denied. Accordingly, the Court **ACCEPTS IN WHOLE** the Report and Recommendation under 28 U.S.C. § 636(b)(1) and Fed.R.Civ.P. 72(b). It is **ORDERED**, for the reasons stated in the Report and Recommendation, which the Court adopts and incorporates into its ruling, that the plaintiff's motion for summary judgment [R. 11] is **GRANTED**; and the Defendant Commissioner's motion for summary judgment [R. 13] is **DENIED**. This case is **REMANDED**

for proper consideration of the plaintiff's subjective complaints of pain regarding her severe impairment of fibromyalgia; and the plaintiff's RFC shall be reassessed based on proper consideration of the plaintiff's subjective complaints of pain.

**IT IS SO ORDERED.**

  
UNITED STATES DISTRICT JUDGE